

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

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| DOCKET 06-AAER-1... |
| DATE <u>OCT 11</u> 2006 |
| REC'D. <u>OCT 13</u> 2006 |

Appliance Efficiency Regulations:) Docket No. 06-AAER-1
Digital Television Adapters) Order Number 06-1011-8
_____)

**ORDER ADOPTING REGULATIONS
AND DIRECTING ADDITIONAL RULEMAKING ACTIVITIES**

I. INTRODUCTION

The California Energy Commission (“Commission”) hereby adopts amendments to its appliance efficiency regulations. (California Code of Regulations, title 20, Sections 1601 - 1608). We take this action under the authority of, and to implement, interpret, and make specific, Sections 25213, 25216.5(d), 25218(e), and 25402(c) of the Public Resources Code.

On February 27, 2006, the Commission published a Notice of Proposed Action (NOPA) and made publicly available the Express Terms (45-day language) of proposed amendments, along with an Initial Statement of Reasons (ISOR) that summarized and explained the rationale for the proposed amendments. The NOPA proposed changes to the existing regulations for external power supplies and digital television adapters that had been adopted on December 15, 2004. The NOPA was provided to every person on the Commission's appliance mailing lists for Consumer Audio and Video Equipment, External Power Supplies, the Appliance Listserver, and to every person who had requested notice of such matters. The NOPA, the ISOR, and the Express Terms were also posted on the Commission's website.

On March 27, 2006, the Commission’s Efficiency Committee (Chairman Jackalyne Pfannenstiel, Presiding Member, and Commissioner Arthur Rosenfeld, Associate Member) held a hearing, and on April 12, 2006 the full Commission held a hearing to receive comments on the 45-day language. Subsequently, 15-Day Language was published.

At a further hearing on May 24, 2006, the Commission decided to split this rulemaking and adopted the 15-day language only for external power supplies. The

Commission directed the staff to continue the rulemaking process for digital television adapters and to propose adopting new 15-day language at a later date.

On September 26, 2006, the Commission published 15-day language which contained a 1-year delay in the effective date for digital television adapters. On that date the Commission provided a notice that included (1) the 15-day language, (2) an explanation of the rationales for the changes, and (3) notification of the public hearing for adoption. The notice was sent to all persons on the mailing list for the NOPA and to any additional persons who had commented on the 45-day language related to digital television adapters. The notice, the 15-day language, and the explanation of rationales were also posted on the Commission's website. All of the changes made in the 15-day language were sufficiently related to the original text in the 45-day language that the public was adequately placed on notice that the changes could result from the originally-proposed text (no commenter asserted otherwise).

Today, we hereby adopt the amendments from the September 26, 2006 15-Day language, which provide a 1-year delay in the effective date for efficiency standards for digital television adapters.

II. FINDINGS

Based on the entire record of this proceeding, we find as follows:

A. The Warren-Alquist Act. The adopted regulations:

- (1) are based on reasonable use patterns;
- (2) apply to appliances whose use requires a significant amount of energy on a statewide basis;
- (3) require efficiencies that are feasible and attainable; and
- (4) do not result in any added total costs to the consumer over the designed life of the appliances concerned.

B. The Administrative Procedure Act. The adopted regulations:

- (1) will not result in a significant statewide adverse impact directly affecting business, including the ability of California businesses to compete with

businesses in other states;

- (2) will not create or eliminate a significant number of jobs in California;
- (3) will not create new businesses, eliminate existing businesses, or have an effect on the expansion of businesses in California;
- (4) will not impose costs on private persons;
- (5) will impose no direct costs or direct or indirect requirements on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of the Government Code;
- (6) will result in no costs or savings in federal funding to the State;
- (7) will not affect housing costs;
- (8) will have no significant adverse effect on businesses in general or small businesses in particular;
- (9) will have no significant costs that a representative person or business would incur in compliance; and
- (10) have no alternatives that would be more effective in carrying out the purposes of the Warren-Alquist Act without increasing burdens, or that would be as effective and less burdensome in carrying out the purposes.

C. The California Environmental Quality Act. On December 15, 2004 the Energy Commission approved by Resolution (No. 04-1215-07) an Initial Study and Negative Declaration (SCH# 2004102088) that included proposed regulations for Digital Television Adapters. Resolution No. 04-1215-07 and SCH # 2004102088 are hereby incorporated by reference into this Order and into the Docket for the current rulemaking. In sum, the regulations adopted today will not result in a direct, or reasonably foreseeable indirect, significant adverse effect on the environment. (See Appendix A.)

III. CONTINUATION OF DELEGATION OF AUTHORITY TO THE EFFICIENCY COMMITTEE; DIRECTIVES TO THE COMMITTEE

The Commission continues in effect its delegation to the Committee of the

authority to take, on behalf of the Commission, all actions reasonably necessary to have the adopted regulations go into effect, including but not limited to incorporating any changes approved at the October 11, 2006 hearing into the final Express Terms submitted to the Office of Administrative Law (“OAL”); making any appropriate nonsubstantive, editorial-type changes; and preparing and filing all appropriate documents, such as the Final Statement of Reasons at OAL.

October 11, 2006

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION



JACKALYNE PFANNENSTIEL
Chairman



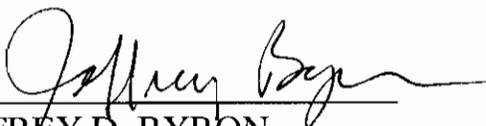
ARTHUR H. ROSENFELD, Ph.D.
Commissioner

(Absent)

JAMES D. BOYD
Commissioner

(Absent)

JOHN L. GEESMAN
Commissioner



JEFFREY D. BYRON
Commissioner

Appendix A: Addendum to Negative Declaration in Docket No. 04-AAER-01

On December 15, 2004 the Energy Commission approved an Initial Study and Negative Declaration (“NegDec”) for appliance efficiency regulations proposed (and in part adopted) in Docket No. 04-AAER-01. Among the regulations assessed in the NegDec were proposed efficiency standards for Digital Television Adapters. (See item 25 Proposed Project, NegDec p. 2.) The NegDec determined that the proposed regulations would have “No Impact” on the environment.

The amendments proposed in Docket No. 06-AAER-1 for this rulemaking delay the effective date for Digital Television Adapters and make less stringent the regulations adopted for DTA’s because of the extension of the effective date.

The Initial Study for Digital Television Adapters showed “No Impact” overall for the proposed regulations adopted on December 15, 2004, and showed a positive environmental benefit in air emission reductions for NOx, CO, and PM10. (See NegDec, App. A, p. 23.) Because the standards proposed in Docket No. 06-AAER-1 are somewhat less stringent, there will be less environmental benefit, but still no adverse impact; thus the “No Impact” determination in the NegDec is still valid.